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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 DWAYNE R. QUINEY,

13 Plaintiff,

14 Case No.: 2:11-cv-00150-GMN-PAL

15 vs.

16 LVMPD OFFICER KVAM (P#10023); and
17 LVMPD OFFICER LOPEZ (P#9495),

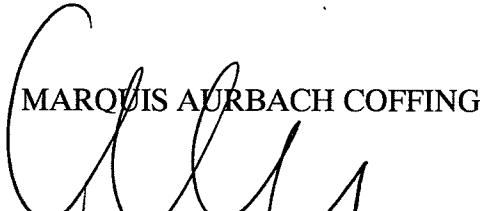
18 Defendants.

19 **REQUEST FOR EXEMPTION TO ATTENDANCE REQUIREMENTS FOR**
20 **SETTLEMENT CONFERENCE**

21 Defendants, Officer Anthony Kvam and Officer Deana Lopez (collectively
22 “Defendants”), by and through their attorney of record, Nick D. Crosby, Esq. of the law firm of
23 Marquis Aurbach Coffing, hereby file their Request for Exemption to Attendance Requirements
24 for Settlement Conference..

25 This Request is made and based upon the attached Memorandum of Points and
26 Authorities, all papers and pleadings on file herein, and any oral argument allowed at the time of
27 the hearing.

28 Dated this 17 day of August, 2012.

29 
30 MARQUIS AURBACH COFFING

31 By _____
32 Nick D. Crosby, Esq.
33 Nevada Bar No. 8996
34 10001 Park Run Drive
35 Las Vegas, Nevada 89145
36 Attorney(s) for LVMPD Officers Kvam and
37 Lopez

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. BRIEF STATEMENT OF RELEVANT FACTS**

3 On July 5, 2012, the Court ordered the parties to attend a mandatory settlement
 4 conference on August 29, 2012. (Docket # 42). The undersigned counsel is in a binding labor
 5 arbitration on August 29, 2012 and, as such, the parties submitted a stipulation to continue the
 6 settlement conference. (Docket #43). In the stipulation, the parties included August 31, 2012 as
 7 an available date. On August 3, 2012, the Court granted the stipulation and ordered that the
 8 settlement conference be rescheduled to August 31, 2012. (Docket#44). On August 16, 2012,
 9 the undersigned was informed Defendant Deana Lopez (“Lopez”) is scheduled to fly out of town
 10 on the morning of August 31, 2012 and unable to attend the settlement conference.

11 **II. ARGUMENT**

12 The Defendants respectfully request an exemption from the attendance requirements of
 13 Ofc. Lopez at the settlement conference. Officer Lopez is a police officer with the Las Vegas
 14 Metropolitan Police Department (“LVMPD”). LVMPD will have a representative from Risk
 15 Management of the LVMPD present during the settlement conference with full authority to settle
 16 the case on behalf of Ofc. Lopez. The Plaintiff admitted in his deposition that Ofc. Lopez did
 17 not take part in the alleged unconstitutional violations and the Defendants have a motion for
 18 summary judgment pending with the Court. Given the fact a Risk Management representative
 19 with full authority to settle on behalf of the Defendants will be present during the settlement
 20 conference, coupled with the fact the Plaintiff admits Ofc. Lopez did not personally participate in
 21 the alleged unconstitutional violations, the Defendants respectfully request the personal
 22 appearance of Ofc. Lopez be excused from the settlement conference. The Defendants do not
 23 believe the absence of Ofc. Lopez will hinder fruitful settlement discussions in any way.

24 **III. CONCLUSION**

25 The Defendants respectfully request that Ofc. Lopez be excused from the settlement
 26 conference and that a representative from LVMPD with full authority to settle the matter on
 27 behalf of Ofc. Lopez attend in lieu of attendance by Ofc. Lopez. It is the Defendants’ belief that
 28 settlement discussions will not be hindered or stifled by Ofc. Lopez’ absence and, as such,

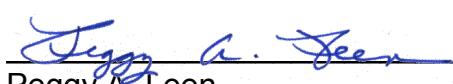
1 Defendants respectfully request Ofc. Lopez not be required to appear at the August 31, 2012
2 settlement conference

3 Dated this 17 day of August, 2012.

4
5 MARQUIS AURBACH COFFING
6
7 By _____
8

9 Nick D. Crosby, Esq.
10 Nevada Bar No. 8996
11 10001 Park Run Drive
12 Las Vegas, Nevada 89145
13 Attorney(s) for LVMPD Officers Kvam and
14 Lopez

15 For good cause shown,
16 **IT IS SO ORDERED** this 22nd day of
17 August, 2012.

18 
19 Peggy A. Leen
20 United States Magistrate Judge

CERTIFICATE OF MAILING

I hereby certify that on the 17 day of August, 2012, I served a copy of the foregoing
REQUEST FOR EXEMPTION TO ATTENDANCE REQUIREMENTS FOR
SETTLEMENT CONFERENCE upon each of the parties by depositing a copy of the same in
a sealed envelope in the United States Mail, Las Vegas, Nevada, First-Class Postage fully
prepaid, and addressed to:

Dwayne Quiney
2108 Sunrise Avenue, Apt. 1
Las Vegas, NV 89101
Pro Se

and that there is a regular communication by mail between the place of mailing and the place(s) so addressed.

Jessica Austin, an employee of
Marquis Aurbach Coffing